

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JUAN DELVALLE,

Plaintiff,

v.

OSCAR AVILES, et al,

Defendants.

Civil No. 23-1331 (SDW-MAH)

MEMORANDUM ORDER

IT APPEARING THAT:

1. On March 9, 2023, Plaintiff Juan Delvalle, a pretrial detainee confined in Hudson County Department of Corrections in Kearny, New Jersey, submitted an unsigned prisoner civil rights complaint with an application under 28 U.S.C. § 1915(a) (“IFP application”) to proceed without prepayment of the filing fee. Plaintiff’s IFP application was incomplete. Therefore, on March 20, 2023, this Court administratively terminated this Civil Action, subject to reopening upon Plaintiff’s submission of a properly completed IFP application and a signed prisoner civil rights complaint. (ECF No. 3).

2. In the meantime, on March 13, 2023, Plaintiff submitted a new civil rights complaint, which was duplicative of his complaint in this action. The Clerk of Court opened a new civil action, *Delvalle v. Aviles, et al*, Civil Action No. 23-1381 (SDW-AME). On April 10, 2023, this Court granted Plaintiff’s IFP application in Civil Action No. 23-1381(SDW-AME), screened the complaint, and permitted the complaint to proceed, in part. (ECF No. 5).

3. On the same day this Court granted Plaintiff’s IFP application in Civil Action No. 23-1381(SDW-AME), Plaintiff submitted an IFP application in Civil Action No. 23-1331(SDW-MAH). This Court will now dismiss this duplicative civil action with prejudice. Plaintiff may continue to proceed in Civil Action No. 23-1381(SDW-AME). All correspondence to the Court

regarding this Complaint should be directed to Civil Action No. 23-1381(SDW-AME).


IT IS THEREFORE on this 21st day of April 2023,

ORDERED that the Clerk shall reopen this matter; and it is further

ORDERED that the complaint in this matter (ECF No. 1) is **DISMISSED** with prejudice as a duplicate of the complaint filed in Civil Action No. 23-1381 (SDW-AME), which has proceeded; Plaintiff's IFP application (ECF No. 4) is **DISMISSED** as moot; and it is further

ORDERED that the Clerk shall serve a copy of this Order on Plaintiff by regular mail; and it is further

ORDERED that the Clerk shall close this matter.



Hon. Susan D. Wigenton,
United States District Judge